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TAGS: [ABUD](#) [AFIN](#) [AORC](#) [AU](#) [PARM](#)
SUBJECT: PCG 238 CTBTO: UPDATED GUIDANCE ON CHANGES TO THE
RULES OF PROCEDURE GOVERNING OBSERVERS AT MEETINGS OF THE
CTBTO PREPCOM

REF: (A) STATE 111527 (B) UNVIE 00123

Classified By: IO A/S Gerald C. Anderson, Acting, Reasons 1.4 (b, d)

11. (U) This is an action request, see paragraphs 2 and 3.

12. (SBU) ACTION REQUEST: This cable provides an update to guidance provided in paragraph 22 of ref 4 on observership in meetings of the Preparatory Commission (PrepCom) of the Comprehensive Nuclear Test Ban Treaty Organization (CTBTO) for use at the November 16-19 CTBTO PrepCom meeting. The Mission is authorized to acknowledge the possible need to update the rules of procedure on observership (Rule 5) in the CTBTO PrepCom, discuss options including the G-77's and China's proposal for expansion of observership (distributed via the 30 October 2009 Provisional Technical Secretariat Note Verbale(LEGSCS/305/1/note51/BZ10/09)), and seek deferral of the rule change issue until the June 2010 CTBTO PrepCom meeting. This would allow time for the U.S. to address this issue more completely in consultation with CTBTO Member States, particularly our European allies, like-minded countries, and moderate G-77 states. Mission is also authorized to join forces with the European Union (EU) in seeking a deferral. As appropriate, Mission may consult and coordinate with the P-5, EU, and others on observership during this PrepCom meeting. Mission should draw on background and talking points in paragraphs 5-9, in order to attain the objectives in paragraph 4 below. If deferral of this issue to June 2010 is not possible, Mission should seek further guidance from Washington.

13. (C) In addition, the G-77 may raise the question of Palestinian observership separately from the broader proposed rule changes for NGOs; therefore, there is the possibility of a vote on the observer status of the Palestinian Authority (PA) even though a decision on the proposed rule change is deferred. If the Palestinian observer issue comes up for discussion or for a vote independently of the observer rule change, Mission should call for a legal interpretation of the current Rule 5 to ascertain whether the current rule would permit the PA to be an observer. In the event a vote goes forward, Mission should not join consensus, should work with like-minded States to oppose the motion, and should vote against the G-77 proposal. Mission should also engage the Israeli Mission as soon as possible to ascertain how flexible Israel is regarding broader NGO observership and Palestinian observership. Mission should support Israel's proposal for progress on Israel's position in the Middle East and South Asia (MESA) group and the activation of IMS stations in the Middle East arguing that such efforts will further strengthen CTBTO efforts in this critical region. (See Paragraph 8 and Ref B). Mission should also determine if Israel has any alternative proposals, counterproposals, or modifications in mind on this issue that will prevent an acrimonious debate during the PrepCom.

14. (SBU) Objectives:
- Preserve the integrity and consensus-based approach of the CTBTO PrepCom by seeking to have the November CTBTO PrepCom

defer this issue to the June 2010 CTBTO PrepCom to permit further consultation on this issue.

- Consider alternatives or modifications to the G-77 and China's proposal for expanded observership in consultation with European, like-minded, and moderate G-77 states.
- Consult with Israel on the G-77 and China's proposal and possible alternatives, and identify potential options for action/response at the November CTBTO PrepCom.

¶15. (U) Background: The issue of granting CTBTO observership to the PA has been a controversial topic of debate for some time. While the PA enjoys observer status in some other UN bodies, including the International Atomic Energy Agency (IAEA), the Regulations and Rules of the CTBTO only allow observer status for non-signatory states that host IMS stations and invited representatives of the UN and other intergovernmental organizations. In previous CTBTO PrepCom meetings and Article XIV Conferences, states * almost exclusively from the G-77 * have raised the issue of granting observer status to the PA, creating political tensions in this technical organization.

¶16. (SBU) Historically, the U.S. has opposed PA observership in an effort to avoid politicizing the CTBTO and to preserve the technical nature of the organization. The U.S. has previously cited the CTBTO Regulations and Rules regarding observers and has supported Israel's opposition to PA observership. However, given the confrontational and fractious debate at the IAEA's General Conference concerning the &Israeli Nuclear Capabilities⁸ resolution, and given the persistent issue of PA observership to the CTBTO PrepCom, it may be necessary to reconsider the status of the PA.

¶17. (SBU) The G-77 and China have proposed granting observer status to &an entity having received a standing invitation to participate as an observer in the sessions of the United Nations General Assembly⁸; while this proposal opens the door to widespread * and potentially time-consuming * NGO participation, the proposal does not specifically name the PA, creating an opportunity for Israeli consideration.

¶18. (C) In March 2009, Israeli diplomats met with U.S. counterparts to discuss Israeli views on PA observership. (See Ref B). The Israeli ambassador, speaking without instructions, noted that Israel might acquiesce on PA observership for progress on Israel's position in the Middle East and MESA and the activation of IMS stations in the Middle East. In that context, the potential impact of recognizing the PA as an observer in the broader regional context should be carefully considered before taking any action.

¶19. (SBU) Talking Points:

- The U.S. appreciates the G-77 and China's interest in helping to resolve a long-standing issue;
- We believe that the proposal from the G-77 and China deserves careful consideration, and that it would be best addressed in the June PrepCom, in order to allow it the attention and study it deserves;
- The U.S. recognizes the importance of the consensus-based approach to the CTBTO PrepCom, and looks forward to working with Member States to find a mutually acceptable solution;
- We would like to resolve this issue in June so that we can focus our energies on the technical work of the CTBTO PrepCom, and continue to work on early Entry into Force of the Treaty.

CLINTON